BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

In the Matter of W.P.NO. 1829 /2003.

PETITIONER

Sandeep Agrawal, aged about 37 years, son of Shri Ghanshyam Agrawal, Cable Operator, resident of Main road, Baradwar, Distt. Janjgir Champa.

VERSUS

RESPONDENTS

1. Sr. Divisional Railway Manager, South-Eastern East Central Railway, Bilaspur Division, Bilaspur (Chhattisgarh).

2. Station Master, South Eastern CENTRAL Railway, Railway station, Champa, Distt. Janjgir-Champa (Chhattisgarh).

3. Assistant Engineer, South Eastern Central Railway, Champa, Distt. Janjgir-Champa, Chhattisgarh.

P.R. No. 1628/03 Presented by Shri Sanjay Kumar Agrawal on 20.06.03

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W. P. NO. 1829/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	03/07/2003 Shri Kishore Badhuri, counsel for the petitioner. Shri Vinay Harit, counsel for the respondents. Heard. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India for issuance of the direction to the respondents not to up-route the cable connections of the petitioner across the Railway track to the staff colony which on the other side of the Railway track. The petitioner's case is that the petitioner is an unemployed graduate and is a Cable Operator. He earns his livelihood ~~from~~ by providing such cable connections to the customers. His registration No. is 299. Copy of registration certificate is enclosed which is Annexure P/1. Counsel for the petitioner submitted that certain staff of the Railway Colony approached the Railway Department to allow the petitioner to provide cable connections across the Railway line under and the respondent no.3 accordingly permitted the petitioner. Now the respondent	

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W P 1829/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

authorities have directed the P.W.D. to up-route the cable connections.

I have heard Mr. Kishore Badhuri, counsel on behalf of the petitioner and Mr. Vinay Harit, counsel on behalf of the respondents.

Counsel for the respondents submits that as of now he is not in a position to file the return since he is required to collect the certain circulars issued by the Railway Department from time to time. He further submitted that the petitioner has not moved the appropriate Authority for seeking the permission to allow him to lay the cable under the Railway lines. In this case, the Competent Authority is a Divisional Railway Manager to whom the petitioner should approach and the said authority can grant permission for laying the cable under the Railway lines and that too the petitioner is required to pay certain licence fee. Counsel for the petitioner agrees to that and submits that he will move the Divisional Railway Manager and if any legal fee is required to pay, he will pay the same.

[पीछे देखिये

XI-HC-22

25

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Co.P. 1829/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In view of the submissions made by both the counsel, it is directed that if the petitioner moves the D.R.M., Bilaspur, within ten days for seeking permission for laying the Television Cable under the Railway lines in order to provide the Television connections to the residents of the Railway colony, his application be considered and pass the appropriate order in the matter, at the earliest. In the meanwhile, till the decision is taken, by the D.R.M., petitioner's existing system should not be disturbed.

With the aforesaid observations, this writ petition stands disposed of. Consequently, M.W.P.No.1659/2003 for interim relief and I.A.No.5492/2003 for urgent hearing also stand disposed of.

Sd/-
L.C.BHADOO
Judge

Raju

[पीछे देखिये